

**COURT OF COMMON PLEAS  
FOR THE STATE OF DELAWARE  
KENT COUNTY COURTHOUSE  
DOVER, DELAWARE 19901  
PHONE: (302) 739-4618**

**CHARLES W. WELCH, III  
JUDGE**

April 22, 2010

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Dewey Beach, DE 19971

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Deputy Attorney General  
Department of Justice  
102 W. Water Street  
Dover, DE 19901

RE: State of Delaware v. Karen Yoder  
Cr. A. No.: 1003003247  
K10-03-0935

Motion to Modify Conditions of Bail

Dear Mr. Riordan and Ms. Hartman:

The Court is in receipt of the Motion to Modify Conditions of Bail filed by the defendant in the above-referenced matter. The defendant, Karen A. Yoder, appeared in Justice of the Peace Court on March 10, 2010, on two counts of Cruelty to Animals, and one count of Cat Inoculation. At that time, the Justice of the Peace set forth certain conditions of bond. One of those conditions preclude the defendant from owning, possessing, or having control of any animal while the case is pending. The defendant's Motion to Modify Conditions of Bail requests that this condition of bond be vacated.

Defendant cites 3 *Del. C.* § 7905(b) in support of her motion, and asserts that the animals are being held without legal authority because a complaint of animal cruelty was not filed by the State within 48 hours of the impoundment of the animals. This argument is misplaced. Conditions of bail in the Court of Common Pleas are governed by 11 *Del. C.* § 2108 and Court of Common Pleas Criminal Rule 46. Both of these authorities provide that conditions of bond shall be imposed as the committing judicial officer deems reasonably necessary.

In this case, the committing Justice of the Peace ordered the defendant to refrain from owning, possessing, or having control of any animal while the case is pending. This condition of bond is separate from 3 *Del. C.* § 7905(b), which provides the process by which the SPCA can impound animals independent of conditions of bond. Therefore, the

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State's compliance or noncompliance with § 7905(b) will not be considered by the Court at this time. The Justice of the Peace deemed it appropriate, based on the conditions of the defendant's home and concerns regarding the health of the people and animals living in the home, that the defendant should be precluded from having animals while the case is pending. After reviewing the file and the allegations contained in the Affidavit of Probable Cause, the Court agrees that this condition of bond was appropriate. Therefore, the defendant's motion is denied.

**IT IS SO ORDERED.**

Sincerely,

A handwritten signature in black ink, appearing to read "Charles W. Welch, III". The signature is fluid and cursive, with the first name "Charles" being the most prominent.

Charles W. Welch, III

CWW:mek